

CLOSED, ECF, RELATED

**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:06-cv-15340-JSR**

Azmy v. United States Department of Defense  
Assigned to: Judge Jed S. Rakoff  
Related Case: 1:05-cv-03941-JSR  
Cause: 05:552 Freedom of Information Act

Date Filed: 12/20/2006  
Date Terminated: 07/09/2008  
Jury Demand: Plaintiff  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****Baher Azmy**

represented by **Baher Azmy**  
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V.

**Defendant****United States Department of Defense**

represented by **Sarah Sheive Normand**  
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Date Filed	#	Docket Text
12/20/2006	1	COMPLAINT against United States Department of Defense. (Filing Fee \$ 350.00, Receipt Number 600827) Document filed by Baher Azmy.(jbe, ) (Entered: 12/21/2006)
12/20/2006		SUMMONS ISSUED as to United States Department of Defense. (jbe, ) (Entered: 12/21/2006)
12/20/2006		Case Designated ECF. (jbe, ) (Entered: 12/21/2006)
12/20/2006		CASE REFERRED TO Judge Jed S Rakoff as possibly related to 05-3941. (jbe, ) (Entered: 12/21/2006)

01/03/2007		CASE ACCEPTED AS RELATED TO 1:05-cv-3941. Notice of Assignment to follow. (lb, ) (Entered: 01/08/2007)
01/03/2007	<u>3</u>	NOTICE OF CASE ASSIGNMENT to Judge Jed S. Rakoff. Judge Unassigned is no longer assigned to the case. (lb, ) (Entered: 01/10/2007)
01/03/2007		Magistrate Judge Gabriel W. Gorenstein is so designated. (lb, ) (Entered: 01/10/2007)
01/03/2007		Mailed notice to the attorney(s) of record. (lb, ) (Entered: 01/10/2007)
01/05/2007	<u>2</u>	NOTICE OF COURT CONFERENCE; Conference is set for 1/25/07 in Courtroom 14-B at 11:00 a.m. before Judge Jed S. Rakoff. (Signed by Judge Jed S. Rakoff on 1/5/07) (ae, ) (Entered: 01/08/2007)
01/25/2007		Minute Entry for proceedings held before Judge Jed S. Rakoff : Initial Pretrial Conference held on 1/25/2007. (dle) (Entered: 02/02/2007)
01/26/2007	<u>4</u>	ORDER confirming the agreements reached at today's in-court confrence: (i) the Government shall complete its review of the document here in issue, and shall make such document production sd it then agrees to by April 27, 2007 (ii) the parties will then promptly meet and confer in an attempt to resolve any remaining issues; (iii) should there remain issuses in dispute after the parties heve conferred, they will be brought to a head by a motion to be made by the Government by no later than May 27, 2007; (iv) in the event such a motion is made, plaintiff shall serve his answering papers by June 22, 2007, and the Government shall serve itr reply papers by July 13, 2007; (iv) Oral Argument set for 7/20/2007 10:00 AM before Judge Jed S. Rakoff. SO ORDERED. (Signed by Judge Jed S. Rakoff on 1/25/2007) (jmi) (Entered: 01/29/2007)
02/15/2007	<u>5</u>	ORDER that Scott Michelman, Esq. is admitted to practice pro hac vice as counsel for Plaintiff, Baher Azmy, in the above case int he USDC for the SDNY. (Signed by Judge Jed S. Rakoff on 2/14/2007) (jar) (Entered: 02/16/2007)
02/20/2007	<u>6</u>	MOTION for Scott Michelman to Appear Pro Hac Vice. Document filed by Baher Azmy.(jco) (Entered: 02/22/2007)
03/01/2007		CASHIERS OFFICE REMARK on <u>5</u> Order in the amount of \$25.00, paid on 02/20/2007, Receipt Number 606741. (jd) (Entered: 03/01/2007)
03/01/2007	<u>7</u>	AFFIDAVIT OF SERVICE of Summons and Complaint. United States Department of Defense served on 1/9/2007, answer due 1/29/2007. Service was accepted by E. Julien. Service was made by MAIL. Document filed by Baher Azmy. (Attachments: # <u>1</u> Affidavit # <u>2</u> Affidavit # <u>3</u> Exhibit # <u>4</u> Exhibit)(Michelman, Scott) (Entered: 03/01/2007)
04/13/2007	<u>8</u>	ANSWER to Complaint. Document filed by United States Department of Defense.(Normand, Sarah) (Entered: 04/13/2007)
05/31/2007	<u>9</u>	FIRST MOTION for Summary Judgment. Document filed by United States Department of Defense.Responses due by 6/22/2007(Normand, Sarah) (Entered: 05/31/2007)
05/31/2007	<u>10</u>	DECLARATION of Sarah Normand in Support re: <u>9</u> FIRST MOTION for Summary Judgment.. Document filed by United States Department of Defense. (Attachments: # <u>1</u> Exhibit Complaint)(Normand, Sarah) (Entered: 05/31/2007)
05/31/2007	<u>11</u>	DECLARATION of Mark Buzby in Support re: <u>9</u> FIRST MOTION for Summary Judgment.. Document filed by United States Department of Defense. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E)(Normand, Sarah) (Entered: 05/31/2007)
05/31/2007	<u>12</u>	DECLARATION of Karen Hecker in Support re: <u>9</u> FIRST MOTION for Summary Judgment.. Document filed by United States Department of Defense. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Errata B)(Normand, Sarah) (Entered: 05/31/2007)
05/31/2007	<u>13</u>	DECLARATION of Steven Lynch in Support re: <u>9</u> FIRST MOTION for Summary Judgment.. Document filed by United States Department of Defense. (Attachments: # <u>1</u> Exhibit A)(Normand, Sarah) (Entered: 05/31/2007)

05/31/2007	<u>14</u>	DECLARATION of David Hardy in Support re: <u>9</u> FIRST MOTION for Summary Judgment.. Document filed by United States Department of Defense. (Normand, Sarah) (Entered: 05/31/2007)
06/04/2007	<u>16</u>	ORDER the Clerk of Court is hereby directed to delete docket entry 15, defendant's memorandum of law in support of its motion for summary judgment, from the docket in the above-captioned case. (Signed by Judge Jed S. Rakoff on 6/1/2007) (jmi) (Entered: 06/05/2007)
06/04/2007		***DELETED DOCUMENT. Deleted document number 15 Memorandum of law in support of its motion for summary judgment. (jmi) (Entered: 06/05/2007)
06/05/2007	<u>17</u>	MEMORANDUM OF LAW in Support re: <u>9</u> FIRST MOTION for Summary Judgment.. Document filed by United States Department of Defense. (Normand, Sarah) (Entered: 06/05/2007)
06/05/2007		Minute Entry for proceedings held before Judge Jed S. Rakoff : Pretrial Conference held on 6/5/2007. (jco) (Entered: 06/11/2007)
06/05/2007		Minute Entry for proceedings held before Judge Jed S. Rakoff : Pretrial Conference held on 6/5/2007. (jco) (Entered: 06/11/2007)
06/06/2007	<u>18</u>	DECLARATION of David M. Hardy (Second Declaration) in Support re: <u>9</u> FIRST MOTION for Summary Judgment.. Document filed by United States Department of Defense. (Wolstein, Elizabeth) (Entered: 06/06/2007)
06/07/2007	<u>19</u>	DECLARATION of Rear Admiral Mark H. Buzby (Corrected) in Support re: <u>9</u> FIRST MOTION for Summary Judgment.. Document filed by United States Department of Defense. (Wolstein, Elizabeth) (Entered: 06/07/2007)
07/06/2007	<u>20</u>	FIRST MEMORANDUM OF LAW in Opposition re: <u>9</u> FIRST MOTION for Summary Judgment.. Document filed by Baher Azmy. (Attachments: # <u>1</u> Affidavit Azmy Decl. & Exh. A# <u>2</u> Affidavit Azmy Decl. Exh B, pt1# <u>3</u> Affidavit Azmy Decl. Exh. B, pt2# <u>4</u> Affidavit Azmy Decl. Exh. pt.3# <u>5</u> Affidavit Azmy Decl. Exh. B, pt.4# <u>6</u> Affidavit Azmy Decl. Exh. B, pt. 5# <u>7</u> Affidavit Docke Affidavit & Translation# <u>8</u> Affidavit Gross Decl.)(Azmy, Baher) (Entered: 07/06/2007)
07/27/2007	<u>21</u>	DECLARATION of Karen L. Hecker in Support re: <u>9</u> FIRST MOTION for Summary Judgment.. Document filed by United States Department of Defense. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G)(Wolstein, Elizabeth) (Entered: 07/27/2007)
07/27/2007	<u>22</u>	DECLARATION of Rear Admiral Mark H. Buzby in Support re: <u>9</u> FIRST MOTION for Summary Judgment.. Document filed by United States Department of Defense. (Wolstein, Elizabeth) (Entered: 07/27/2007)
07/27/2007	<u>23</u>	DECLARATION of Colonel Steven M. Lynch in Support re: <u>9</u> FIRST MOTION for Summary Judgment.. Document filed by United States Department of Defense. (Wolstein, Elizabeth) (Entered: 07/27/2007)
07/27/2007	<u>24</u>	DECLARATION of Dina Hardy in Support re: <u>9</u> FIRST MOTION for Summary Judgment.. Document filed by United States Department of Defense. (Wolstein, Elizabeth) (Entered: 07/27/2007)
07/27/2007	<u>25</u>	REPLY MEMORANDUM OF LAW in Support re: <u>9</u> FIRST MOTION for Summary Judgment.. Document filed by United States Department of Defense. (Wolstein, Elizabeth) (Entered: 07/27/2007)
07/31/2007	<u>26</u>	REPLY MEMORANDUM OF LAW in Support re: <u>9</u> FIRST MOTION for Summary Judgment. <i>Corrected</i> . Document filed by United States Department of Defense. (Wolstein, Elizabeth) (Entered: 07/31/2007)
08/01/2007	<u>27</u>	RESPONSE in Opposition re: <u>9</u> FIRST MOTION for Summary Judgment. <i>Supplemental Letter with Exhibits</i> . Document filed by Baher Azmy. (Michelman, Scott) (Entered: 08/01/2007)
09/25/2007	<u>28</u>	TRANSCRIPT of proceedings held on 8/3/07 before Judge Jed S. Rakoff. (jbe) (Entered: 09/25/2007)

02/11/2008	<u>29</u>	ORDER: The Court hereby requests supplemental letter-briefing from the parties on the matters described below, so that it may promptly render its decision on the motion. The parties are instructed to submit to the Court their responses responding to these matters, in the form of letter briefs of no more than 10 single spaced pages, by February 21, 2008 (Signed by Judge Jed S. Rakoff on 2/11/08) (js) (Entered: 02/11/2008)
02/13/2008		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 2/13/2008. (ja) (Entered: 02/21/2008)
02/29/2008	<u>30</u>	RESPONSE in Support re: <u>9</u> FIRST MOTION for Summary Judgment. <i>Supplemental Letter Brief</i> . Document filed by United States Department of Defense. (Attachments: # <u>1</u> Exhibit Newly Redacted Pages 116 and 363)(Normand, Sarah) (Entered: 02/29/2008)
02/29/2008	<u>31</u>	SUPPLEMENTAL MEMORANDUM OF LAW in Opposition re: <u>9</u> FIRST MOTION for Summary Judgment. <i>Plaintiff's Supp. Ltr Brief Opp Sum Judg 2.29.08</i> . Document filed by Baher Azmy. (Azmy, Baher) (Entered: 02/29/2008)
06/23/2008	<u>32</u>	OPINION AND ORDER #96164: For the reasons stated herein, the Government's motion for summary judgment must very largely be granted. However, the motion may not be granted in full because the Court, upon its in camera review of the disputed documents, has discovered a few minor instances where disclosure is required, as set forth herein. If the Government nevertheless contends that these withholdings are proper and have not been the subject of official disclosure, it may submit to the Court, in camera, a written explanation of its position by June 30, 2008. Otherwise this information must be disclosed to plaintiff by that date. (Signed by Judge Jed S. Rakoff on 6/22/2008) (jpo) Modified on 6/26/2008 (ae). (Entered: 06/24/2008)
07/08/2008	<u>33</u>	ORDER; that by Opinion and Order dated 6/22/08, the Court granted in part and denied in part the Governments motion for summary judgment in this case. The Court held that if the Government nevertheless contended that the withholdings at issue were proper and had not been the subject of official disclosure, it was to submit to the Court, in camera, a written explanation of its position by 6/30/08. Otherwise, the Court Held that the information at issue was to be disclosed to plaintiff by that date. The Government has not informed the Court that it intends to challenge these minor disclosures, and therefore the case is now closed. Clerk to enter judgment. (Signed by Judge Jed S. Rakoff on 7/8/08) (pl) Modified on 7/8/2008 (pl). (Entered: 07/08/2008)
07/08/2008		Transmission to Judgments and Orders Clerk. Transmitted re: <u>33</u> Order,,, to the Judgments and Orders Clerk. (pl) (Entered: 07/08/2008)
07/09/2008	<u>34</u>	CLERK'S JUDGMENT That for the reasons stated in the Court's Order dated July 8, 2008, the case is closed. (Signed by J. Michael McMahon, CLERK on 7/9/08) (Attachments: # <u>1</u> NOTICE OF RIGHT TO APPEAL)(ml) (Entered: 07/09/2008)
05/07/2009	<u>35</u>	STIPULATION AND ORDER OF SETTLEMENT AND DISMISSAL: DOD shall pay to Seton Hall Law the sum of \$4,500.00 (FOUR THOUSAND FIVE HUNDRED DOLLARS), pursuant to 5 U.S.c. § 552(a)(4)(E), which sum plaintiff agrees to accept as full payment of any attorneys' fees and costs plaintiff has incurred or will incur in this action for services performed up to the date of this stipulation and order. This action is hereby dismissed with prejudice, as set forth herein. (Signed by Judge Jed S. Rakoff on 5/7/2009) (jpo) (Entered: 05/07/2009)